

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

GARY BALL, Jr.,

Plaintiff,

-v-

DEPARTMENT OF JUSTICE,
EXECUTIVE OFFICE FOR THE
UNITED STATES ATTORNEY,
KEVIN KERBS.

No. 19-10050
District Judge Arthur J. Tarnow
Magistrate Judge R. Steven Whalen

Defendants.

ORDER

On January 7, 2019, Plaintiff Gary Ball, Jr., a Bureau of Prisons (“BOP”) inmate currently housed at FCI-Ellton in Lisbon, Ohio, filed a complaint for injunctive relief in this Court under the Freedom of Information Act (“FOIA”) 5 U.S.C. § 552 and Administrative Procedure Act (“APA”), 5 U.S.C. § 701 *et seq.*

Currently before the Court is Plaintiff’s July 1, 2019 motion for temporary stay of proceedings [Doc. #9] and his July 18, 2019 motion to lift temporary stay of proceedings [Doc. #12]. In his motion to stay proceedings, Plaintiff notes that in mid-June, 2019, he was informed that he would be “in transit” between BOP facilities for “between 30 and 45 days” and for that period of time, would be incommunicado. [ECF No. 9]. His motion to lift the stay, filed 17 days later, notes that he had arrived at his as for now “permanent” facility at

FCI-Elton. [ECF No. 12].

This case was referred to the undersigned on January 10, 2020. Prior to that it was not stayed. Thus, both the motion to stay the case [Doc. #9] and the motion to lift the stay [Doc. #12] are DENIED as MOOT.

IT IS SO ORDERED.

s/R. Steven Whalen
R. STEVEN WHALEN
United States Magistrate Judge

Dated: April 23, 2020

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing document was sent to parties of record on April 23, 2020 electronically and/or by U.S. mail.

s/Carolyn M. Ciesla
Case Manager